

Message Text

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ORIGIN ARA-14

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DRAFTED BY ARA/AND:RCGRAHAM/LC
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FM SECSTATE WASHDC
TO AMEMBASSY SAN SALVADOR PRIORITY

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E.O. 11652: N/A

TAGS: SHUM, ES

SUBJECT: ICJ MISSION TO STUDY PUBLIC ORDER LAW BY DONALD
FOX

REF: GRAHAM MEMO TO HICKS OF 6/9/78

1. REFERENCED MEMO, POUCHED TO THE AMBASSADOR, DESCRIBED THE PLANNED VISIT OF NEW YORK LAWYER DONALD FOX TO SAN SALVADOR AT THE REQUEST OF THE INTERNATIONAL COMMISSION OF JURISTS (ICJ) TO STUDY THE PUBLIC ORDER LAW PROMULGATED BY THE GOES IN NOVEMBER 1977. THE MEMO INDICATED THAT MR. FOX HAD BEEN ENCOURAGED TO CONTACT THE DEPARTMENT BY WILLIAM BUTLER, WHO LED A HIGHLY USEFUL ABA-ENDORSED STUDY MISSION TO URUGUAY IN APRIL.

2. MR. FOX TELEPHONED DEPARTMENT ON JULY ,1 TO CONFIRM HIS ARRIVAL IN SAN SALVADOR ON JULY 20, AND TO REQUEST THAT THE EMBASSY FACILITATE SEVERAL SPECIFIC APPOINTMENTS
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WITH GOES OFFICIALS. HE STATED THAT NIAL MACDERMOT, SECRETARY GENERAL OF THE ICJ, FORMALLY WROTE TO THE FOREIGN MINISTER TO ADVISE HIM OF THE TRIP, BUT THERE HAS BEEN NO ACKNOWLEDGMENT OF THE LETTER.

3. THE APPOINTMENTS WHICH FOX REQUESTS EMBASSY ASSISTANCE IN MAKING ARE THE FOLLOWING THREE:

(A) FISCAL GENERAL (ATTORNEY GENERAL) - TITLE THREE OF THE PUBLIC ORDER LAW ESTABLISHES THE PROCEDURE FOR THIS OFFICIAL TO RECEIVE AND PROCESS COMPLAINTS. FOX WANTS TO DISCUSS WITH THE FISCAL GENERAL HOW HE INTERPRETS THIS SECTION.

(B) PRESIDING MAGISTRATE OF THE ORDINARY PENAL COURT - DESCRIBED IN ARTICLE 9 OF TITLE THREE OF THE LAW. OFFICIALLY CALLED IN SPANISH "LAS CAMARAS PRIMERO Y SEGUNDA DE SEGUNDA INSTANCIA DE PRIMEROS PENAL."

(C) MOST KNOWLEDGEABLE OFFICIAL OF SECTION OF SUPREME COURT THAT TAKES COMPLAINTS ON APPEAL - DESCRIBED IN THE LAW AS "LA SALA DE LA PRIMERO PENAL DE LA CORTE SUPREME DE JUSTICIA."

4. FOX HAS BEEN ADVISED BY IAHRG SOURCES THAT EL SALVADOR HAS A PROCEDURE FOR OBTAINING A PRIOR OPINION ON THE CONSTITUTIONALITY OF PROPOSED LAWS. HE WOULD BE INTERESTED IN REVIEWING ANY WRITTEN ADVISORY OPINION THAT MAY HAVE BEEN PREPARED UNDER THIS PROCEDURE ON THE LAW IN QUESTION.

5. ARA/CEN DIRECTOR MATTHEWS ADVISED SALVADORAN AMBASSADOR QUINONEZ OF THE PENDING VISIT JULY 11, BUT NOT OF FOX'S REQUEST PARAS 2 AND 3. AMBASSADOR PROMISED TO LIMITED OFFICIAL USE

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TELEPHONE THE FOREIGN MINISTER JULY 12 AND TO ENSURE THAT THE MINISTER OF JUSTICE AND THE PRESIDENT OF THE SUPREME COURT WERE ALSO AWARE OF FOX'S PROPOSED VISIT. HE GAVE HIS PERSONAL OPINION THAT THOSE OFFICIALS WOULD BE GLAD TO COOPERATE. QUINONEZ FELT THAT IT WAS IMPORTANT FOR FOX TO MEET WITH THE SUPREME COURT PRESIDENT.

6. FOX DOES NOT WISH HIS TRIP TO BE TOO CLOSELY IDENTIFIED WITH THE U.S. GOVERNMENT, EVEN THOUGH HE HAS REQUESTED THE ABOVE ASSISTANCE. RATHER, HIS VISIT SHOULD BE VIEWED BY THE GOES AS SPONSORED BY THE ICJ. HE WILL, OF COURSE, BE WILLING TO MEET AND BRIEF AMBASSADOR DEVINE. THE APPOINTMENTS SHOULD BE MADE WITHIN THE JULY 20-24 TIME-FRAME OF HIS VISIT MENTIONED IN THE MEMO, IF THIS CAN BE ARRANGED.

7. WE WOULD APPRECIATE CONFIRMATION OF THE REQUESTED APPOINTMENT BEFORE JULY 18, THE DATE MR. FOX DEPARTS

NEW YORK, AND OF THE OFFICER HE MIGHT CONTACT IN THE EMBASSY AFTER HIS ARRIVAL IN SAN SALVADOR FOR INFORMATION

ON THE STATUS OF THE APPOINTMENT REQUESTS.

8. ADDENDUM JULY 13: AMBASSADOR QUINONEZ TOLD US AFTERNOON JULY 13 THAT AS RESULT HIS (QUINONEZ) TELEPHONE CALL, HIS FOREIGN MINISTER HAS AGREED TO SEE FOX AND EXPEDITE ANY APPOINTMENT WITH LEGAL OFFICIALS WHICH FOX MIGHT DESIRE. U.S. EMBASSY SHOULD WORK THIS APPOINTMENT INTO FOX'S SCHEDULE AND PERHAPS INFORM FOREIGN MINISTER OF OTHER APPOINTMENTS FOX DESIRES. CHRISTOPHER

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